

ANTHONY G. BROWN  
4TH DISTRICT, MARYLAND

COMMITTEE ON  
HOUSE ARMED SERVICES  
COMMITTEE ON  
NATURAL RESOURCES  
HOUSE COMMITTEE ON ETHICS

## U.S. House of Representatives

WASHINGTON OFFICE  
1505 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-8699

PRINCE GEORGE'S OFFICE  
9701 APOLLO DRIVE, SUITE 103  
UPPER MARLBORO, MD 20774  
(301) 458-2600

ANNE ARUNDEL OFFICE  
2666 RIVA ROAD, SUITE 120  
ANNAPOLIS, MD 21401  
(410) 266-3249

February 22, 2019

The Honorable Patrick M. Shanahan  
Acting Secretary of Defense  
U.S. Department of Defense  
1000 Defense, Pentagon  
Washington, D.C. 20301-1000

Dear Acting Secretary Shanahan:

We, as Members of the House of Representatives, write to you expressing our deepening concern on the use of military servicemembers and Department of Defense resources for operations and construction on the southern border. The National Defense Strategy states, "China and Russia want to shape a world consistent with their authoritarian model", "North Korea and Iran are destabilizing regions", and "terrorist groups continue to threaten peace". Furthermore, it states that "readiness [is impacted] from the longest continuous stretch of armed conflict in our Nation's history." Yet, the administration has repeatedly taken actions on the southern border that diminish our progress in increasing our ability to defend against the true threats we face as a nation.

First, active duty servicemembers have been deployed to conduct surveillance operations, to harden the border, and to perform menial tasks; and second, a national emergency has been declared to redirect \$6.1B of already-appropriated military construction and drug interdiction funds to build an unnecessary wall. These actions are counter to established military policy. Of the 18 times the Department of Defense has used its emergency construction since September 2001, it has only been used once in the United States for a highly scrutinized project for storing sensitive materials or weapons. The remaining uses of the authority have been for facilities in Afghanistan, Iraq, Djibouti, and other locations in U.S. Central Command's area of operations. Over the same period of time, no administration – Republican or Democratic – has found it necessary to deploy active duty personnel to secure our borders.

The administration has not yet provided a strategy for military operations on the southern border that includes justification for this expanded use of our active duty military, is consistent with the National Defense Strategy, or defines conditions under which our troops will be withdrawn. Troop deployment levels appear to have been chosen not based on an assessment of an actual threat, but instead based on the status of negotiations for a border wall. This haphazard use of active duty military personnel leaves one guessing what the true motives behind this deployment are, and what mission our men and women in uniform are actually being asked to perform.

Most crucially, there is clearly no national emergency on the southern border. During the first two years of this administration, apprehensions at our southern border have been the second lowest over any two-year period since 1974. Earlier this month at a House Armed Services Committee hearing, Department of Defense witnesses confirmed the lack of a significant threat when they stated that they were "not aware of any terrorist threat" on the southern border. Additionally, the witnesses stated that the

forces deployed to the border were “engineers and cops”, indicating that these activities do not require military personnel and are better suited for the Department of Homeland Security and law enforcement.

Over the last two years, Congress worked in a bipartisan manner to address the threats our nation faces by significantly increasing funding, providing greater budget certainty for the Department of Defense, and honoring the commitment we make to our servicemembers: that they are as well trained and equipped as possible to confront our adversaries. We are concerned that the border deployment diminishes the progress that we have made on readiness and weakens our military’s ability to protect the interests of the United States. Senior military officers within the Department of Defense share these concerns, stating “the border deployed troops are not conducting the training needed for their regular missions”<sup>[1]</sup> and that the military deployment to the border is, “an expensive waste of time and resources.”<sup>[2]</sup> Further, we are concerned that the diversion of drug interdiction and military construction funding may adversely affect counter terrorism activities and quality of life improvements that our servicemembers and their families rely on.

We write to respectfully request the following information regarding current deployment to the southwest border and proposals for the Department of Defense to manage the construction of the President’s border wall:

1. What is the long-term strategy for use of the military at the southern border?
2. What facts on the ground prompted the initial deployment in the fall of 2018, the withdrawal in December 2018, and this new surge of 3,750 servicemembers? Will additional personnel be deployed during the rest of the fiscal year?
3. What training activities are deployed active duty servicemembers missing or deferring during their deployment to the border? What is the impact on readiness?
4. What are the second and third order effects to readiness across the force from the deployment to the border?
5. What conditions on the ground must be met to merit withdrawal from the border?
6. What has been spent to date on the active duty and reserve component support to the border, including all support, personnel, goods, services, contract support, defense-wide agencies, and the military departments?
7. What is the estimated cost of the Department of Defense’s support on the border for the remainder of FY19?
8. What is the amount of funding, if any, from the Department of Defense budget that has been spent on the President’s border wall, to date?
9. What statutory authorities does the Department of Defense believe it has available to transfer funds to build a wall without Congressional action?
10. What is the source of the funds being transferred to the drug interdiction program?
11. 10 USC 284 limits construction to \$750,000 for any one project. Have any projects exceeded this value before, and does this use of 10 USC284 exceed that limit?
12. What are the impacts to counter drug intelligence, counter transnational crime organizations, and counter threat finance due to the diversion of funds from the drug interdiction program?
13. What are the impacts of the diversion of funds from counter terrorism activities that operate through our drug interdiction programs in the Middle East, Africa, South Asia, and other security partners?

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<sup>[1]</sup> Emily Cochrane, Maggie Haberman, and Eric Schmitt, “Talks Over Border Security Break Down, Imperiling Effort to Prevent Shutdown,” The New York Times, February 10, 2019, accessed February 12, 2019, <https://www.nytimes.com/2019/02/10/us/politics/trump-border-wall.html>.

<sup>[2]</sup> Thomas Gibbons-neff and Helene Cooper, “Deployed Inside the United States: The Military Waits for the Migrant Caravan,” The New York Times, November 10, 2018, accessed February 12, 2019, <https://www.nytimes.com/2018/11/10/us/deployed-inside-the-united-states-the-military-waits-for-the-migrant-caravan.html>.

14. 10 USC 2808 limits construction of projects to those "that are necessary to support such use of the armed forces." How is the construction of a border wall consistent with this requirement?
15. What is the current MILCON backlog, including the name of each project, and the location and estimated cost?
16. What are the impacts the diversion of funds will have on MILCON projects, to include military training, readiness, or service and family member quality of life programs?
17. What is the impact the diversion of funds will have on the civilian workforce?

Thank you for your attention and prompt reply regarding our concerns. We look forward to hearing from you, and continuing to work with you to strengthen our national defense, support our warfighters, and ensure we are realizing the most value from each dollar appropriated to the Department of Defense.

Sincerely,



Anthony G. Brown  
Member of Congress



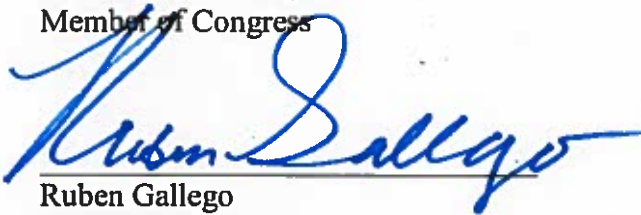
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Member of Congress



Gilbert R. Cisneros, Jr.  
Member of Congress



Veronica Escobar  
Member of Congress



Ruben Gallego  
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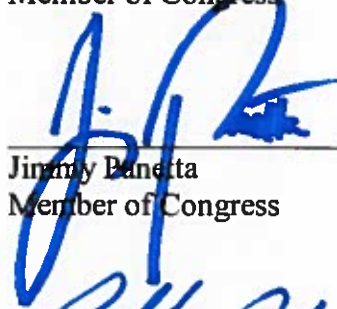
Deb Haaland  
Member of Congress



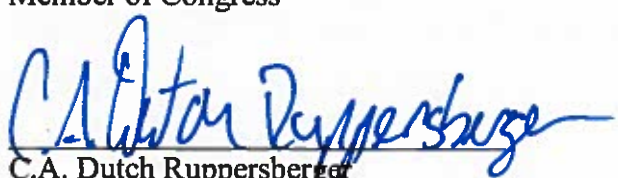
Katie Hill  
Member of Congress



William R. Keating  
Member of Congress



Jimmy Panetta  
Member of Congress



C.A. Dutch Ruppersberger  
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Bobby L. Rush  
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